

**GOVERNMENT OF ANDHRA PRADESH**

**A B S T R A C T**

PS - Agricultural Marketing – Disciplinary Proceedings initiated against Sri L. Srinivasulu, former Driver, O/o DEE(M), Khammam and Presently working as Junior Assistant in O/o DEE(M), Vijayawada who made an accident hitting an old aged person - Punishment imposed withholding of two increments with cumulative effect besides recovery of the amount of Rs.2,40,000/- - O.A.No.8595/2010 filed by the A.O. before A.P.A.T - Judgment dt:04.03.2013 in O.A.No.8595 of 2010 – Further action dropped – Orders – Issued.

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**AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT**

**G.O.Rt.No. 1545**

**Dated: 30<sup>TH</sup> DECEMBER,2013**

**Read the following:-**

1. GORt.No.1350, A & C(Vig.II) Department, dated:.25-09-2010.
2. O.A.No.8595/2010 filed by Sri L. Srinivasulu, former Driver, O/o DEE(M), Khammam and Presently working as Junior Assistant in O/o DEE(M), Vijayawada.
3. Judgment in O.A.No.8595 of 2010 passed by the Hon'ble A.P.A.T. dt:04.03.2013
4. G.O.Rt.No.3439, G.A(OP.II) Department, dated: 17.08.1998

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**O R D E R:-**

In the reference 1<sup>st</sup> read above, Government have awarded a punishment of withholding of two annual grade increments with cumulative effect besides recovery of Rs.2,40,000/- against Sri L. Srinivasulu, former Jeep Driver, O/o DEE(M), Khammam & Presently Junior Assistant, O/o DEE(M), Vijayawada for the alleged irregularities in a jeep accident case, after following due procedure.

2. Aggrieved by the above orders, Sri L. Srinivasulu, former Jeep Driver, O/o DEE(M), Khammam & Presently Junior Assistant, O/o DEE(M), Vijayawada filed O.A.No.8595/2010 before the Hon'ble A.P.Administrative Tribunal.

3. In the reference 3<sup>rd</sup> read above, the Hon'ble A.P.A.T. in its judgment dt:04.03.2013 in O.A.No.8595 of 2010 filed by Sri L. Srinivasulu, Junior Assistant has ordered as follows:-

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“ The 1<sup>st</sup> respondent passed orders in GO.Rt.No.1350, Dept., dt.25.09.2010 imposing a punishment of withholding two annual grade increments with cumulative effect, besides recovery of an amount of Rs.2,40,000/-. The applicant was acquitted by the Criminal Court in CC.No.76/99 on 12.09.2001. Therefore, it is clear that there is no negligence on the part of the applicant in hitting a cyclist. The Government issued GORt.No.3439, G.A.(OP-II)Dept., dt.17-08-1998, wherein it is clearly mentioned that “whenever courts awarded compensation in the case of motor accidents involving Government vehicles, such compensation will be paid by the Government and there is no need for recovery of such amounts from the salaries of the Drivers, if the Drivers is found not responsible for such accidents.” Further this Tribunal in O.A.No.1890/1999 dated 5.8.99 held that when the competent criminal court held that when the applicant was not guilty of the rashness or negligence, the compensation shall not be reimbursed by the applicant. Here, in the instant case the applicant was also acquitted by the criminal court holding that there is no negligence on his part and thus, the compensation awarded by the Tribunal cannot be reimbursed by the applicant as per GORt.No.3439, dt.17-08-1998. Therefore, this case is squarely covered by the orders passed by this Tribunal in O.A.No.1890/1999 dated 5.8.99.

In view of the above facts and circumstances and the discussion referred to above, the impugned GORt.No.1350, A&C(Vig.II) Dept., dt.25.09.2010 is liable to be set aside and is accordingly set aside. The OA is disposed of accordingly.”

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4. Government, after careful examination of the entire matter observed that in view of the orders of Hon'ble A.P.A.T. in its judgment dt:04.03.2013 in O.A.No.8595 of 2010 and the applicant was acquitted by the Criminal Court in CC.No.76/99 on 12.09.2001 stating that there is no negligence on the part of the applicant in hitting a cyclist, and in view of the orders issued by the Government in the G.O. 4<sup>th</sup> read above, recovery cannot be effected from the salary of the Driver.

5. Accordingly, Government hereby set aside the orders issued in the reference 1<sup>st</sup> read above against Sri L. Srinivasulu, former Jeep Driver, O/o DEE(M), Khammam & Presently Junior Assistant, O/o DEE(M), Vijayawada.

6. The Commissioner & Director of Agricultural Marketing, A.P., Hyderabad shall take further action accordingly.

**( BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH )**

**DR.D.SREENIVASULU,  
PRINCIPAL SECRETARY TO GOVERNMENT(AM)**

To  
The Commissioner & Director of Agricultural Marketing, A.P., Hyderabad  
Sri L. Srinivasulu, former Jeep Driver, O/o DEE(M), Khammam & Presently Junior Assistant,  
O/o DEE(M), Vijayawada.  
Sf/Sc.

**// FORWARDED :: BY ORDER //**

**SECTION OFFICER**